

## BOARD OF PUBLIC WORKS AND SAFETY

May 16, 2000

Regular Session:

The Board of Public Works and Safety met in regular session on Tuesday, May 16, 2000 at 9:00 a.m. Members present were Bob Griffiths, Lisa Decker, Jim Andrew, Rex Bowman and Rebecca Miller. City Attorney Eric Burns was also present.

Mr. Griffiths called the meeting to order.

### **PROCLAMATION**

Van Neie, Lafayette Chapter of the Barber Shop Harmony Society Assistant Director, informed the Board that his chapter has established the theme *Music is Medic for the Soul* for its May 20<sup>th</sup> musical presentation at the Long Center for the Performing Arts. Mr. Neie then requested that Mayor Heath proclaim a special week of recognition to all those who serve the medical needs of our community.

Mayor Heath then read the following proclamation:

## **TIPPECANOE COUNTY MEDICAL SERVICE PROVIDERS WEEK**

### **WHEREAS,**

one of the outstanding attributes of the County of Tippecanoe, State of Indiana is the quality of medical and healthcare services provided by health service professionals to residents of Tippecanoe and surrounding counties; and

### **WHEREAS,**

the Mayor of the City of Lafayette desire to publicly recognize the outstanding contribution of health care professionals to the quality of life in Tippecanoe County on behalf of the citizens of Lafayette.

### **NOW, THEREFORE**

I, Dave Heath, Mayor of the City of Lafayette do hereby proclaim the week of May 14, 2000 through May 20, 2000 be declared

### **TIPPECANOE COUNTY MEDICAL SERVICE PROVIDERS WEEK**

and do hereby call upon all citizens to join me in paying tribute to those dedicated of the medical profession who serve all of us in an unselfish manner.

### **BID OPENING**

This being the date and time set to open bids for one Fire Engine, the following bids were received and opened:

**FIRE ONE, INC.**  
Lafayette, IN

The Clerk stated the bid amount was \$204,868.64.

**MIDWEST FIRE & SAFETY EQUIPMENT CO., INC.**  
Indianapolis, IN  
(Pierce Manufacturing, Inc.)

The Clerk stated the bid amount was \$179,969.00.  
*(Price includes a trade-in allowance of \$5,000.00)*

Mr. Andrew moved to take these bids under advisement for one week to allow for further review. Mrs. Miller seconded. Passed.

**BIDS UNDER ADVISEMENT**

**Old U.S. 231 and Beck Lane Watermain Relocation**

Mike Smith, Hawkins Environmental, stated that it is the Engineer's position that the bid submitted by Kreager Brothers Excavating, Inc. for the Old U.S. 231 and Beck Lane Watermain Relocation Project is in order and does, in fact, represent the lowest and best base bid (\$158,750.00) for the work advertised in the project Plans and Specifications. Mr. Smith recommended that the Board award the base bid for this contract to Kreager Brothers Excavating, Inc. Mr. Bowman moved for approval. Mrs. Decker seconded. Passed.

**MINUTES**

Mrs. Decker moved to approve the minutes of the May 9, 2000 meeting. Mrs. Miller seconded. Passed.

**OLD BUSINESS**

**Demolition Permits/Historic Buildings**

Mr. Griffiths stated this was the time set for the Hearings for the Demolition Permits of two Historic Buildings. Sherry McLauchlan, Community Development Director, reminded the Board that the new procedure for the waiting period of demolition permits for historic buildings was being followed. She stated that the waiting period for the first permit (13 South 2<sup>nd</sup> Street) will expire May 24, 2000 and the waiting period for the second permit (816 Salem St.) will expire on June 4, 2000. Mrs. McLauchlan stated that she had been in contact with someone from 5<sup>th</sup>/3<sup>rd</sup> Bank, the owner of the property on South 2<sup>nd</sup> Street, regarding their plan for a new building on that site. Mrs. McLauchlan stated that the Historic District Review Board has sent them a letter as well the guidelines for buildings that were compatible with Historic Districts and some photos of the original building on the site to help with the design. She informed the Board that 5<sup>th</sup>/3<sup>rd</sup> indicated that they have not hired an architect nor do they have a plan at this point. Mr. Dick Nagel, Wabash Valley Trust, stated a letter had been sent to 5<sup>th</sup>/3<sup>rd</sup> asking that the request for a demolition permit be withdrawn and explaining the various reasons why. Mr. Nagel mentioned that there was another party who was also interested in the property and intended to restore the building. Opal Kuhl, City Engineering stated that the requirements for requesting these permits have been met with her office and Mrs. McLauchlan stated that the posting requirements have also been met. Several Board members voiced their concerns regarding various issues involved with the demolition of this property. Mr. Burns reminded the Board that their obligations under the Ordinance are the same as they have always been and that this Hearing is to make the determination whether the requirements have been met. He also

reminded them that the City Council did change the Ordinance to put in the 60 day waiting period but did not change the Boards role in the process. Mrs. Miller moved to approve the permit following the 60-day waiting period. Mr. Andrew seconded. Mr. Bowman abstained. Motion passed on a 3-1 vote with on abstention.

### **NEW BUSINESS**

#### **Hawkins**

Mike Smith, Hawkins Environmental, presented to the Board and recommended approval, the Contract and Notice to Proceed for Atlas Excavating for the Duncan Road Extension Project. Mrs. Miller moved for approval. Mrs. Decker seconded. Passed.

Mr. Smith presented to the Board and recommended approval, the Contract and Notice to Proceed for Merkel Excavating for the Fairgrounds/14<sup>th</sup> Street Project. Mr. Andrew moved for approval. Mr. Bowman seconded. Passed.

Mr. Smith presented to the Board and recommended approval, the Contract and Notice to Proceed for Fairfield Contractors, Inc. for the Poland Hill Watermain Extension Project. Mr. Andrew moved for approval. Mrs. Decker seconded. Passed.

#### **Demolition Permits/Historic Buildings - continued**

City Attorney, Eric Burns, pointed out that there were actually two demolition permits that were before the Board, however only one had been voted on. Mr. Griffiths stated the structure was a garage located at 816 Salem and the permit, if approved, would take effect on the 4<sup>th</sup> of June. Opal Kuhl, City Engineer, indicated that the requirements have been met for this site. Mrs. Decker moved for approval. Mr. Bowman seconded. Passed.

#### **Water Pollution Control Department**

Brad Talley, Superintendent WPCD, presented to the Board, and recommended approval, an Indiana Department of Environmental Management Application for Water Pollution Control Facility Construction Permit Required by 327 IAC Article. Mr. Talley stated this was needed to initiate bidding of the treatment plant improvements project. Mr. Andrew moved for approval. Mrs. Decker seconded. Passed.

#### **Engineering Office**

Mike Parks, Traffic Operations Director, presented to the Board, and recommended approval, Change Order No. 1 for the Traffic Signal Hardware Upgrade: Main Street/Kossuth Street Signal Installation: Union Street/36<sup>th</sup> Street Project in a credit amount of \$2,350.00. Mr. Bowman moved for approval. Mrs. Decker seconded. Passed.

#### **Community Development**

Mr. Griffiths presented, on behalf of Community Development, a Release of Mortgage for 537 S. 4<sup>th</sup> Street and 124 S. 6<sup>th</sup> Street. Mr. Andrew moved for approval. Mrs. Decker seconded. Passed.

#### **Facilities Department**

Mr. Griffiths presented a request from the Facilities Department requesting permission to declare the following item surplus and have it placed in the City's auction, which will be held on May 20, 2000:

Press Paper Cutter – Western Newspaper Union-style no. 193

Mr. Andrew moved for approval. Mrs. Decker seconded. Passed.

### **Historic Ninth Street Hill**

Mr. Griffiths presented a letter from the Historic Ninth Street Hill Association requesting permission to close 9<sup>th</sup> Street from Hitt Street to South Street between 9:30 am and 11:30 am on Saturday, July 1, 2000 to have the Children's Box Parade. Mr. Andrew moved for approval. Mrs. Decker seconded. Passed.

### **ORDINANCE VIOLATION BUREAU**

Opal Kuhl, City Engineer, presented to the Board the 1st Letter Summary (48 issued) 2<sup>nd</sup> Letter Summary (8 issued) and Ticket Summary (1 issued) from the Ordinance Violations Bureau during the time period of 5/8/00 – 5/12/00. She also presented a Door Hanger Summary for the week of 5/8/00 – 5/12/00 (19 issued).

### **IBEW GRIEVANCE**

Mr. Griffiths informed everyone that the Grievance issue would be heard at the end of the meeting.

### **Miscellaneous**

Mrs. Decker stated that the Board members all had a signed copy of the Interlocal Agreement Between The City of Lafayette and Tippecanoe County Regarding Twyckenham Bridge and Kirkpatrick Ditch.

### **Claims**

Mr. Griffith presented for Board approval, Claims in the amount of \$971,383.00. Mr. Andrew moved for approval. Mrs. Decker seconded. Passed.

### **Street Department**

Butch Worthington, Street Commissioner, informed the Board that all the free mulch, that had been available to the public, was now gone. He stated that the Saturday hours for pickup would be canceled.

### **BUILDING PERMITS**

The Engineering Office issued the following Building Permits for the week ending 5/12/2000:

4452	Matt Linton	2967	Cajun Ct	Above ground pool	\$3,500.00
4453	John Johnson	3467 1/2	McCarty Ln	Electric hook up to garage	\$100.00
4454	Gateway Country	2415	Sagamore Pkwy S	Tenant finish for Gateway Country	\$175,000.00
4455	Sandra Patton	3206	Longlois	Room addition	\$22,000.00
4456	Donald Conannoe	504	Owen St	Upgrade electric 100 to 200 amps	\$1,200.00
4457	Lucrecia Isenberg	2201	Shasta Dr	move 100 amp service & mast	\$300.00
4458	Norman Campbell	1217	Kossuth St	Deck	\$600.00
4459	Steve Shook	2454	N 9th St	Remove house	\$0.00
4460	Randy Lambirth	1440	Sagamore Pkwy N	Sign for Tortilla Factory	\$600.00
4461	Valley Lakes LLC	1803	CR 350 S Suite B	Interior finish for Quality Copies & Fax	\$48,500.00
4462	Welsey Parr	1807	N 16th St	Upgrade 60 to 100 amps	\$200.00
4463	Sandra Young	2004	Scott St	Upgrade 100 to 200 amps	\$100.00
4464	Mark & Jennifer Miller	1720	Arcadia Dr	Storage shed	\$3,000.00
4465	T R Rentals	1000	N 6th St	Redo service entrances and bases	\$500.00
4466	Robert F White	1101	S 22nd St	Remodel and addition	\$10,000.00
4467	Market Square Realty	2200	Elmwood Ave	Remodel space for Hair Salon	\$30,000.00
4468	JDN Realty	4205	Commerce Dr	New strip shopping center	\$1,600,000.00
4469	Won Trice	1625	Kossuth St	Sign for Won's All Sewing & Design	\$350.00

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4470	Deluxe Homes	939	Royce Dr	Single family residence	\$84,000.00
4471	void		void	void	
4472	Gateway Country	2415	Sagamore Pkwy S	Sign for Gateway Country	\$9,000.00
4473	Steve & Cathie Preston	1606	Stonevalley Ct	Deck	\$1,000.00
4474	Bill Ingram	4723	Meijer Ct	Hiring banner for White Castle	\$25.00
4475	John M Carr	1526	Virginia St	Upgrade electric 100 to 200 amps	\$250.00

### Recess

Mr. Griffiths stated that the Board would take a five-minute recess before the scheduled Grievance Hearing. Time being 9:35 a.m.

### Reconvene

**\* NOTE: AN AUDIO-RECORDED TAPE OF THE FOLLOWING GRIEVANCE HEARING IS AVAILABLE IN THE OFFICE OF THE CITY CLERK.**

Mr. Griffiths reconvened the Board of Public Works and Safety into Open Session at 9:50 a.m.

Members presented were Bob Griffiths, Lisa Decker, Rebecca Miller, Jim Andrew and Rex Bowman. City Attorney, Eric Burns, was also present.

The following people were also present and sworn in: Butch Worthington (Street Department Commissioner); Kathy Wade (Human Resources Director); Terry Gardiner (IBEW Union Representative).

Mr. Gardiner explained that this Grievance has been brought before the Board by approximately seven people from the Street Department and concerns the vacation policy for those employees from the Street Department who have reached their one-year anniversary of employment with the City. Mr. Gardiner stated that these employees were not getting their full 10 days of vacation after their one-year anniversary that they felt, under the contract, they were entitled to. Instead, Mr. Gardiner stated, a prorated amount was being given. Mr. Gardiner read page 8 of the Contract, paragraph (d) that stated, "*If total vacation time is desired in one increment, it must be taken after the anniversary date.*" Mr. Gardiner then gave the Board additional explanation of the Unions interpretation of this statement as well as all of Article 15 pages seven and eight and how they felt it should be applied to vacation requests.

City Attorney, Eric Burns, read from Article 15, paragraph (a) which states "*Regular full-time employees of the City shall be entitled to accrue vacation time after completion of one (1) full year of service with the City.*" Mr. Burns then asked Mr. Gardiner if it was his position that he agreed that the accrual does not occur until after the first year. Mr. Gardiner stated this was not his position. He stated he felt accrual began prior to that time and that once you reached your anniversary date you should be entitled to your full 10 days vacation.

Questions of Mr. Gardiner ensued.

Butch Worthington, Street Commissioner, explained his position to the Board regarding his interpretation of the language in the Contract. He stated that he felt just because other Departments have not followed the same procedures, it doesn't make his position incorrect.

Questions of Mr. Worthington ensued.

Kathy Wade, Human Resources Director, explained to the Board that the current policy has been rewritten. She stated that with the new policy manual, departments would be trained on how to do their own payroll entry and that the system has been built to accrue time for employees that will eventually

reflect on their pay stubs. Ms. Wade also stated that when her department conducts orientation for new hires, they are told that at the end of their first year anniversary they are eligible for 10 days vacation, which was her departments' interpretation of the policy. Ms. Wade stated this was done up until the time this Grievance was filed and now they are told it is at the discretion of their department head.

Questions of Ms. Wade ensued.

Mr. Burns explained to the Board the options available to them. He explained that the City could stand on its legal interpretation of contract language or, as with any contracting party if the other side agrees, can change it.

The Board requested that a summary be provided to them of what all the other departments were doing regarding vacation policies as well as what the fiscal impact would be regarding what ever discussion might be made by the Board.

Mr. Gardiner made additional comments regarding the interpretation of the contract.

Mr. Griffiths felt that it would be wise to take this issue under advisement and meet in Executive Session next Tuesday after the Board has had a chance to review the issue and the summaries requested. Mr. Griffiths stated that Caucus would begin promptly at 8:15 a.m. next Tuesday and be concluded by 8:30 a.m. with the Executive Session beginning at 8:30 a.m. and the Regular Meeting starting at 9:00

There being no further business to come before the Board, Mrs. Decker moved to adjourn. Mr. Bowman seconded. Passed.

Time being 10:15 a.m.

BOARD OF PUBLIC WORKS AND SAFETY

ROBERT GRIFFITHS

President

ATTEST: LISA DECKER

City Clerk

Minutes written by Rebecca Hatton